

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,
Plaintiff,

v.

R. HOE & CO., INC.,
Defendant.

20 Misc. 73

Civil Action No. 66-289

ORDER TERMINATING FINAL JUDGMENT

WHEREAS, the Court having received the motion of plaintiff United States of America for termination of the final judgment entered in the above-captioned case, and the Court having considered all papers filed in connection with this motion;

WHEREAS, Federal Rule of Civil Procedure 60(b)(5) provides that “[o]n a motion and just terms, the court may relieve a party . . . from a final judgment . . . [when] applying it prospectively is no longer equitable.” Fed. R. Civ. P. 60(b)(5);

WHEREAS, the sole corporate defendant appears to no longer exist based on a search of corporate records with the New York Department of State Division of Corporations and publicly available records. *See* ECF 1-5 ¶¶ 4-6;

WHEREAS, the United States has provided adequate notice to the public regarding its intent to seek termination of the judgment;

WHEREAS, based on the foregoing, the Court deems that terminating the antitrust judgment is consistent with the public interest. *See United States v. Western Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993) (a court “may reject an uncontested termination

only if it has exceptional confidence that adverse antitrust consequences will result"). It is hereby

ORDERED, ADJUDGED, AND DECREED:

That said final judgment is hereby terminated.

The Clerk of Court is respectfully directed to close this case.

Dated: _____

2/7/20

Paul A. Gipehy

United States District Court Judge
Southern District of New York